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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,043	01/11/2007	David Bastians	04465/024001	8927
22511 7590 08/08/2008 OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010				
EXAMINER VO, TUYET THI				
ART UNIT 2821		PAPER NUMBER		
NOTIFICATION DATE 08/08/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
buta@oshaliang.com

**Office Action Summary****Application No.**

10/576,043

**Applicant(s)**

BASTIANS, DAVID

**Examiner**

TUYET VO

**Art Unit**

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## DETAILED ACTION

**Argument filed April 17, 2008 has not been persuasive due to a new ground rejection applied as follow.**

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6, 13-15, 17-19 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanabe et al. (US Pub. 6,870,328).

Tanabe discloses a power controller and method for use with lighting systems (Figs. 3-5) including a direct current voltage source (3), a coil of known inductance (L), a switch means (Tr) adapted to control application of the source voltage to the coil (L); means (boosting control IC) adapted to select a required duty cycle for the switch such that the input power level is substantially constant, and means (12, 5, ) adapted to control operation of the switch such that this selected duty cycle is effected (col. 5, lines 47-67 and col. 6, lines 1-26); wherein

-a diode (D) for rectifying an output of the coil, one capacitor (C), arranged to co-operate with the switch (Tr) and the coils to form a switch mode DC-DC converter,

- power controller to control a DC/DC source as a battery source, wherein the mark-space ratio (duty ratio) of the switch (Tr) is modifiable for regulating power constantly and means (R1, R2) to sense the magnitude of a voltage being provided by the battery voltage source (3) is an input to the controller (boosting control IC).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 5, 10-12 and 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tanabe.

Tanabe discloses substantially the claim invention as noted above in that the boost converter is replaced by similar/compatible converter such as a buck-boost or a buck inverter. Such known type of DC/DC converter is well adapted and being utilized alternately by one skill in the art for a particular design voltage/power. Any type of known microprocessor for controlling a switch in a duty cycle/ratio manner or an instruction manner would be recognized and expanded by an ordinary skill in the art for better/precise control. Tanabe also does not limit the power source circuitry for a particular load, therefore any load such as transducer or LED lights that require a DC power supply source within a range limit would be suited for powering. Such these implementations are considered as a routine skill in the art.

5. Claims 7-9 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Tanabe in view of the admitted prior art cited by the applicant.

Tanabe discloses substantially the claim invention as noted above except to include a flyback converter as required by claim invention.

The admitted prior art shown in Figures 2 and 3 applies a flyback converter including a transformer (3), having a primary, a secondary, a diode and a transistor switch (5) for changing the input power (1) into a proper power that fixes to drive a lamp (9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a flyback converter as taught from the admitted prior art into the Tanabe lighting system in order to obtain a proper power supply in an efficiency

manner for energizing a particular light load. Such implementation is considered as a routine skill in the art.

***Citation of pertinent prior art***

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. See reference listed in an attached PTO 892 form.

**Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyet Vo whose telephone number is 571 272 1830. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Owens can be reached on 571 272 1662. The fax phone number for the organization where this application or proceeding assigned is (571) 273-8300 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 2800.

Information regarding the status of an application or status information for publishing/unpublishing applications may be obtained from the Patent Application

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Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the PAIR system, contact the Electronic Business Center (EBC) at toll free 866-217-9197.

/Tuyet Vo/

Primary Examiner, Art Unit 2821

August 03, 2008